## EXHIBIT B

Page 1

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

DANIEL CASARES and KARINA CASARES, )

Plaintiffs, )

VS. ) No. 08 C 4198

OFFICER BERNAL, Star No. 12254, )
OFFICER SZUBSKI, Star No. 4443, )
OFFICER VERDIN, Star No. 2913, )
OFFICER LEACH, Star No. 4297, )
OFFICER WILLIAMS, Star No. 2999, )
OFFICER CALVO, Star No. 15753, )
OFFICER PARTYKA, Star No. 10596, )
and the CITY OF CHICAGO, )

Defendants.

The deposition of RICHARD B. LAZAR, M.D., taken before Eileen Bailey, a notary public in and for the County of DuPage and State of Illinois, taken pursuant to the Federal Rules of Civil Procedure for the United States District Court, at Suite 555, 111 East Wacker Drive, Chicago, Illinois, on Friday, August 6, 2010, at the hour of 9:00 o'clock, a.m., pursuant to Agreement.

Reported For PATTI BLAIR COURT REPORTERS, by Eileen Bailey, CSR

		Page 2		Page 4
1	APPEARANCES:		1	(Lazar Deposition Exhibits A, B and C
2	ALDUKERY & ACCOCIATES		2	were marked for identification as of
3	ALBUKERK & ASSOCIATES, (111 East Wacker Drive,		3	8/6/10.)
	Suite 555,		4	0.0110.)
4	Hinsdale, Illinois 60601), by:		5	RICHARD B. LAZAR, M.D.,
_	773 847-2600,		6	
5	MR. J. NICOLAS ALBUKERK, appeared on behalf of the Plaintiffs;		7	having been first duly sworn, was examined and
6	appeared on behan of the Flaminis,		i	testified as follows:
7	ASSISTANT CORPORATION COUNSEL,		8	
	(City of Chicago, Department of Law,		9	EXAMINATION
8	30 North LaSalle Street, Suite 900.		10	BY MR. PATEL:
9	Chicago, Illinois 60602), by:		11	
	312 742-3902,		12	Q. This is the deposition of Dr. Richard
10	MR. SANJAY H. PATEL, and		13	Lazar, taken pursuant to notice, and the applicable
1,,	MR. BHAIRAV RADIA,		14	rules of Civil Procedure and rules of evidence
11 12	appeared on behalf of the Defendants.		15	apply.
13	•	÷	16	Dr. Lazar, would you please state your
14			17	full name for the record, and spell your last name,
15			18	please?
16 17			1	
18			19	A. Richard Beck Lazar, L-a-z-a-r.
19			20	Q. Doctor, you understand you are here to
20			21	give a deposition?
21 22			22	A. I do.
23			23	Q. And that is related to the case of Daniel
24			24	Casares versus the City of Chicago and seven
		Page 3		Page 5
1	INDEX		1	individual police officers?
	WITNESS EXAMINATION		2	A. Yes.
2	RICHARD B. LAZAR, M.D.		3	Q. And you have been retained by the
	By Mr. Patel 4		4	plaintiff, Daniel Casares, as an expert in this
3	By Mr. Albukerk 182		5	case, is that correct?
1	By Mr. Patel 185		6	A. Correct.
4 5	EXHIBITS		ŧ	
6	NUMBER MARKED FOR ID		7	Q. Is that your understanding? You have
~	Lazar Deposition Exhibits A, B, C 4		8	testified at a deposition before?
7			9	A. I have.
8			10	Q. Have you ever testified at trial?
9	EXHIBITS ATTACHED		11	A. I have.
			110	O YY 1 1'C 1 10
10			12	Q. Have you been qualified as an expert?
11			13	A. What does that mean?
11 12		· ·	ł	A. What does that mean?
11 12 13			13	<ul><li>A. What does that mean?</li><li>Q. Does that mean essentially well, let</li></ul>
11 12 13 14		<i></i>	13 14 15	A. What does that mean? Q. Does that mean essentially well, let me ask you this. When you testified at trial, was
11 12 13 14 15			13 14 15 16	A. What does that mean? Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court?
11 12 13 14 15 16			13 14 15 16 17	A. What does that mean? Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court? A. I have testified in both.
11 12 13 14 15 16			13 14 15 16 17 18	A. What does that mean? Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court? A. I have testified in both. Q. Okay. Did the court ever make a finding
11 12 13 14 15 16 17			13 14 15 16 17 18 19	A. What does that mean? Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court? A. I have testified in both. Q. Okay. Did the court ever make a finding that you were qualified to testified as an expert,
11 12 13 14 15 16			13 14 15 16 17 18 19 20	A. What does that mean? Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court? A. I have testified in both. Q. Okay. Did the court ever make a finding that you were qualified to testified as an expert, if you recall?
11 12 13 14 15 16 17 18 19 20 21			13 14 15 16 17 18 19 20 21	A. What does that mean?  Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court?  A. I have testified in both.  Q. Okay. Did the court ever make a finding that you were qualified to testified as an expert, if you recall?  A. I wouldn't recall that. I mean, I was
11 12 13 14 15 16 17 18 19 20 21 22			13 14 15 16 17 18 19 20 21 22	A. What does that mean?  Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court?  A. I have testified in both.  Q. Okay. Did the court ever make a finding that you were qualified to testified as an expert, if you recall?  A. I wouldn't recall that. I mean, I was never barred.
11 12 13 14 15 16 17 18 19 20 21			13 14 15 16 17 18 19 20 21	A. What does that mean?  Q. Does that mean essentially well, let me ask you this. When you testified at trial, was it in state court or Federal court?  A. I have testified in both.  Q. Okay. Did the court ever make a finding that you were qualified to testified as an expert, if you recall?  A. I wouldn't recall that. I mean, I was

reviewed pertinent medical records relative to  Mr. Casares's medical condition, right?  A. Yes.  Q. Could you identify for me all of the records that you have reviewed?  A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital, Chicago Fire Department EMS records, and Lincoln Park Hospital. Q. Do you have a date range for these records that you reviewed?  A. I have the records. I didn't memorize the  13 trying to read the date. Looks like 10/9/06. Advocate 14 Advocate Trinity Hospital, 10/9/06. Advocate 15 Trinity Hospital discharge summary from 9/16/06. 16 Advocate Trinity Hospital 10/10/06. That is an 17 x-ray report of the right humerus. Chest x-ray from 18 Advocate Trinity, 10/10/06 of the head. Emergency record from 19 Advocate Trinity, 10/9/06. Attending physician 20 Advocate Trinity, 10/9/06. Attending physician 21 report, 10/10. I am sorry, it looks like yes, 22 10/10/06 from the attending physician at Advocate 23 Trinity. 10/10/06 from Advocate Trinity. 10/10/06				
2 A. Correct, because the C8 muscles are below 3 C7 and you need – finger flexion is C8. 4 Q. Okay. So if a person, left say Daniel 5 Casares, for example, was able to make a fist with his left hand, but not his right hand, what does that mean to you? 4 A. Given the hypothetical? 9 Q. Yes. 10 A. That would mean that he has some preservation of C8 function in the left hand. 11 Q. Okay. In preparing your report you had reviewed pertinent nedical rocords relative to Mr. Casares's medical condition, right? 14 A. Yes. 15 A. Yes. 16 Q. Could you identify for me all of the records that you have reviewed? 17 records that you have reviewed? 18 A. Yes. St. James Hospital, the Rehab 19 Institute of Chicago, Trinity Hospital, Chicago Fire Department EMS records, and Lincoln Park Hospital. 10 Q. D you have a date range for these records that you reviewed? 10 A. That would be a date range for these records that you want me to go through these and say this is a record from St. James Hospital dated syou reviewed in preparing your report? 1 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 1 Q. Yes. 1 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 2 Q. Yes. 3 A. Okay. Discharge summary from St. James Hospital dated such-and-such? 3 Yes. 4 A. Okay. Discharge summary from St. James Hospital dated such-and-such? 4 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 3 Yes. 4 A. Okay. Discharge summary from St. James Hospital faited such-and-such? 4 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 4 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 4 A. Do you have a canother discharge summary and the date of chata is 5/3/04. The and the proper such from the lattending physician at Advocate Trinity, 10/10/06 from Advocate Trinity Hospital, a CT s		Page 26	A A A A A A A A A A A A A A A A A A A	Page 28
2 A. Correct, because the C8 muscles are below C7 and you need—finger flexion is C8. 4 Q. Okay. So if a person, let's say Daniel Casares, for example, was able to make a fist with his leth hand, but not his right hand, what does that mean to you? A. Given the hypothetical? Q. Yes. A. That would mean that he has some preservation of C8 function in the left hand. Q. Okay. In preparing your report you had reviewed perfinent medical records relative to the records that you have reviewed? A. Yes. Q. Could you identify for me all of the records that you have reviewed? A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital, Chicago Fire Department EMS records, and Lincoin Park Hospital. Q. Do you have a date range for these records that you reviewed? A. I have the records. I didn't memorize the dates of all of them.  Page 27 Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? A. Do you want me to go through these and say this is a record from St. James Hospital, 91902. Outpatient edsuchand-such? Q. Yes. A. Okay. Discharge summary from St. James Hospital, dated 91/30/2. At least that twas the discharge date. Here is another discharge summary from St. James Hospital, 91902. Outpatient evaluation, Rehabilitation Institute of Chicago, 7/22/03. Outpatient recheck, Rehab Institute of Chicago, 8/18/03. RIC dated 2/3/04. RIC dated 1/2/3/03. RIC dated 2/3/04. RIC dated 1/2/3/03. RIC dated 2/3/04. RIC dated 1/2/3/04. RIC dated 1/2/3/04. Si date would be the proper date. Speech language pathology, occupational therapy, and the date of that therapy, they are part of that the whole summary, and the date of hat therapy, they are and the thrapy, and physical thetapry, that deate of that the date of that was an admission report that contains the various disciplines of speech, occupational, and physical therapy. Chicago Fire Department. Sorry, I am is trying to read the date. Looks like 10/9/06. Advocate Trinity Hospital, 10/10/06. A	1	in order to make a fist, is that correct?	1	I spoke about this discharge summary report.
3 C7 and you need — finger flexion is C8. 4 Q. Oxay. So if a person, left say Daniel 5 Casares, for example, was able to make a fist with 6 his left hand, but not his right hand, what does 1 that mean to you? 8 A. Given the hypothetical? 9 Q. Yes. 10 A. That would mean that he has some 10 preservation of C8 function in the left hand. 11 preservation of C8 function in the left hand. 12 Q. Oxay. In preparing your report you had 13 reviewed pertinent medical records relative to 14 A. Yes. 15 A. Yes. 16 A. Yes. 17 Q. Could you identify for me all of the 18 record's that you have reviewed? 19 Institute of Chicago, Trinity Hospital, Chicago Fire 10 Department EMS records, and Lincoln Park Hospital. 10 Q. Do you have a date range for these records 11 that you reviewed? 12 A. I have the records. I didn't memorize the 13 dates of all of them. 18 Page 27 19 Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? 19 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 19 Q. Yes. 20 Q. That's okay. Maybe if we could just put on the records ol know precisely what it was that you reviewed in preparing your report? 20 Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? 3 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 3 Q. Yes. 3 A. Oxy. Discharge summany from St. James Hospital dated such-and-such? 4 Q. Oxy. Dupatient excheck, Rehab Institute of Chicago, 8718/03. RIC acted 2/3/04. RIC dated 12/23/03. RIC dated 2/3/04. RIC dated 12/23/04. RIC dated 12/23/04. RIC dated betermine the very owner of the summary and date pand the date of t	2	A. Correct, because the C8 muscles are below	2	
4 Q. Okay. So if a person, let's say Daniel 5 Casares, for example, was able to make a fist with 6 his left hand, but not his right hand, what does 7 that mean to you? 8 A. Given the hypothetical? 9 Q. Yes. 10 A. That would mean that he has some 11 preservation of C8 function in the left hand. 12 q. Okay. In preparing your report you had 13 reviewed pertinent medical records relative to 14 Mr. Casares's medical condition, right? 15 A. Yes. 16 Q. Could you identify for me all of the 17 records that you have reviewed? 18 A. Yes. St. James Hospital, Chicago Fire 19 Institute of Chicago, Trinity Hospital, Chicago Fire 19 Department EMS records, and Lincoin Park Hospital. 10 Q. Do you have a date range for these records tat you reviewed? 11 A. I have the records. I didn't memorize the 12 dates of all of them. 13 you reviewed? 14 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? 15 you reviewed in preparing your report? 16 A. Okay. Discharge summary from St. James Hospital dated such-and-such? 17 you reviewed in preparing your report? 18 doked at inner-disciplinary team gischapting your department. EMS records, and Lincoin Park Hospital. 19 doked a riner-disciplinary team gischapting your report you had a date range for these records that you are viewed? 20 De you have a date range for these records that you reviewed in preparing your report? 21 A. I have the records. I didn't memorize the dates of all of them. 22 G. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? 22 G. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? 23 G. That's okay. Maybe if we could just put on the records so I know precisely what it was that you reviewed in preparing your report? 24 G. Chicago, Srison, Relabilitation Institute of Chicago, Trinity Hospital, a CT scan of the them. 25 Govern the records of the head. Emergency reco	3	C7 and you need finger flexion is C8.	3	
5 Casares, for example, was able to make a fist with his left hand, but not his right hand, what does that mean to you?  8 A. Given the hypothetical?  9 Q. Yes.  10 A. That would mean that he has some creservation of C8 function in the left hand.  11 creservation of C8 function in the left hand.  12 Q. Okay. In preparing your report you had reviewed pertinent medical records relative to Mr. Casare's medical condition, right?  13 reviewed pertinent medical records relative to Mr. Casare's medical condition, right?  14 A. Yes.  15 A. Yes.  16 Q. Could you identify for me all of the records that you have reviewed?  18 A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital dated such-and-such?  19 Land the records and Lincoln Park Hospital.  10 Q. Do you have a date range for these records that you reviewed?  10 A. I have the records. I didn't memorize the dates of all of them.  11 Page 27  12 Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report?  12 Q. Yes.  13 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such?  14 A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such?  15 Q. Yes.  16 Q. Yes.  17 A. RIC dated 12/23/03. RIC dated 2/3/04.  18 RIC dated 3/15/04. RIC dated 4/18/03. RIC dated 3/15/04. RIC dated 12/23/03. RIC dated 2/3/04. RIC dated 12/23/03. RIC dated 2/3/04. So that would be the proper date. Speech language evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RIC. I am unable to determine the evaluation at RI	4	Q. Okay. So if a person, let's say Daniel	4	
bis left hand, but not his right hand, what does that mean to you?  A. Given the hypothetical?  Q. Yes.  A. That would mean that he has some preservation of C8 function in the left hand.  Q. Okay. In preparing your report you had reviewed perfinent medical records relative to the formation of the condition, right?  A. Yes.  Q. Could you identify for me all of the records that you have reviewed?  Pagar that you reviewed?  A. A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital, Chicago Fire Department EMS records, and Lincoln Park Hospital.  Q. Do you have a date range for these records at you reviewed?  A. I have the records, I didn't memorize the dates of all of them.  Page 27  Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report?  A. Do you want me to go through these and say this is a record from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital of Chicago, 7/22/03. Outpatient evaluation, Rehabilitation Institute of Chicago, 7/22/03. Outpatient records. Rehab Institute of Chicago, 7/22/03. Outpatient records. Rehab Institute of Chicago, 7/22/03. Outpatient records and the discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital of Chicago, 7/22/03. Outpatient records. Rehab Institute of Chicago, 7/22/03. Outpatient records and the records of Chicago, 7/22/03. Outpatient records like 2/13/04. This is a record from 2/12/04. The date of Proport date. Seech language evaluation at RIC. I am unable to determine the condition right?  A. Correct.  D. Oy Outpatient records. Speech language evaluation at RIC. I am unable to determine the condition and the proport and the proport and 2008?  A. Correct.  D. Oy Outpatient records. I didn'	5	Casares, for example, was able to make a fist with	5	
that mean to you? A. Given the hypothetical? Q. Yes. A. That would mean that he has some plan from Ric, 2/13/04. I this that was an original to preservation of C8 function in the left hand. Q. Okay. In preparing your report you had reviewed pertinent medical records relative to M. Yes. M. Yes. St. James Hospital, the Rehab A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital, Chicago Fire Department EMS records, and Lincoln Park Hospital. Q. Do you have a date range for these records that you reviewed? A. I have the records. I didn't memorize the dates of all of them.  Page 27 Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? A. Do you want me to go through these and say this is a record from St. James Hospital dated such-and-such? Q. Yes. A. Okay. Discharge summary from St. James Hospital dated such-and-such? Q. Yes. A. Okay. Discharge summary from St. James Hospital dated from St. James Hospital of Chicago, Rib. Ol. Richard and such? Q. Yes. A. Okay. Discharge summary from St. James Hospital dated from St. James Hospital of Chicago, Rib. Ol. Richard and St. A. Okay. Discharge summary from St. James Hospital hated of Chicago, Rib. Ol. Richard and St. A. Okay. Discharge summary from St. James Hospital hated from St. James Hospital hated for Chicago, Rib. Ol. Richard and St. A. Okay. Discharge summary from St. James Hospital hated for Chicago, Rib. Ol. Richard and St. A. Okay. Olymatient recheck, Rehab Institute of Chicago, Rib. Ol. Richard and Prop. A. Ric dated 2/3/04. Ric dated 2/3/04. Ric dated 2/3/04. Ric dated 3/15/04. Ric dated 3/15/04. Ric dated 2/3/04. So that in inner-disciplinary team discharge summary. And the date of that twa sand adissipating and advocate Trinity Hospital logo. Advocate Trinity Hospital 10/10/06. Advocate Trinity, 10/10/06 from Advocate Trinity, 10/10	6		6	
A. Given the hypothetical? Q. Yes. A. That would mean that he has some preservation of C8 function in the left hand. 12 Q. Okay. In preparing your report you had reviewed pertinent medical records relative to Mr. Casares's medical condition, right? A. Yes. Q. Could you identify for me all of the records that you have reviewed? A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital, Divizago Fire Department EMS records, and Lincoln Park Hospital. Q. Do you have a date range for these records that you reviewed? A. I have the records. I didn't memorize the dates of all of them.  Page 27 Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? A. Do you want me to go through these and say this is a record from St. James Hospital dated 9/19/02. At least that was the discharge summary from St. James Hospital dated 9/19/02. At least that was the shopital dated 9/19/02. At least that was the discharge summary from St. James Hospital, 9/19/02. Outpatient evaluation, Rehabilitation Institute of Chicago, 7/12/03. Outpatient recheck, Rehab Institute of Chicago, 8/18/03. RIC dated 12/23/03. RIC dated 2/3/04. So that would be the proper date. Speech language valuation at RIC. 1 am unable to determine the cords of the fixed and sold the records that you had that you reviewed fine preparing your report? A. RIC dated 12/23/03. RIC dated 2/3/04. So that would be the proper date. Speech language valuation at RIC. 1 am unable to determine the cords and machine profit that contains the various admission report that contains the various disciplines of speech, occupational, and physical therapy. Chicago Fire Department. Scory, I am just trying to read the date. Looks like 10/9/06. Altending physician and Advocate Trinity Hospital, 10/9/06. Altending physician and Advocate Trinity Hospital, 10/10/06 of the head. Emergency record from Advocate Trinity Hospital, 10/10/06 of the head. Emergency record from Advocate Trinity Hospital, 10/10/06	7		7	
9 Q. Yes. 10 A. That would mean that he has some preservation of C8 function in the left hand. 21 Q. Okay. In preparing your report you had records that you have reviewed? 22 A. Yes. 23 A. I have the records. I didn't memorize the dates of all of them. 24 D. Oyou want me to go through these and say you reviewed in preparing your report? 25 A. Do you want me to go through these and say you reviewed in preparing your report. 26 A. Okay. Discharge summary from St. James Hospital dated such-and-such? 27 Q. Yes. 28 A. Okay. Discharge summary from St. James Hospital dated such-and-such? 39 Q. Yes. 40 A. Okay. Discharge summary from St. James Hospital dated such-and-such? 41 A. Ro dated 12/23/03. RIC dated 2/3/04. 80 RIC dated 3/15/04. RIC dated 2/3/04. 81 RIC dated 3/15/04. RIC dated = it looks like 2/13/04. So that you'd be the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language evaluation at RIC. 1 am unable to determine the conductor of the proper date. Speech language and the conductor of the proper date. Speech language and the proper date. Speech language and the proper date. Speech language and the proper date.	8	A. Given the hypothetical?	8	
A. That would mean that he has some preservation of C8 function in the left hand.  Q. Okay. In preparing your report you had reviewed pertinent medical records relative to Mr. Casares's medical condition, right?  A. Yes.  Q. Could you identify for me all of the records that you have reviewed?  A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital, Chicago Fire Department EMS records, and Lincoln Park Hospital.  Q. Do you have a date range for these records that you neviewed?  A. Ihave the records. I didn't memorize the dates of all of them.  Page 27  Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that this is a record from St. James Hospital dated such-and-such?  Q. Yes.  A. Okay. Discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital dated 9/19/02. At least that was the discharge date. Here is another discharge summary from St. James Hospital discharge summary. 2/3/07. Rehab Institute of Chicago, 8/18/03. RIC – can we call Rehab institute of Chicago, 8/18/03. RIC – can we call Rehab in an inner-disciplinary team discharge summary. 2006?  A. RIC dated 12/23/03. RIC dated 2/3/04. RIC dated 14 looks like 2/13/04. This is an inner-disciplinary team discharge summary. 2007 and 2008?  A. Correct.  Q. Ibelieve you had mentioned that there were some records that you reviewed from 2007 and 2008?  A. Correct.  A. Correct.  A. Correct.  A. Disputation of Richard from St. James Hospital dated 9/19/06. At least the frinity. Hos	9	Q. Yes.	9	
11 preservation of C8 function in the left hand. 22 Q. Okay. In preparing your report you had reviewed pertinent medical records relative to to the record self-live to the records that you have reviewed? 31 A. Yes. 32 Q. Could you identify for me all of the records that you have reviewed? 43 A. Yes. St. James Hospital, the Rehab Institute of Chicago, Trinity Hospital, Chicago Fire Department EMS records, and Lincoln Park Hospital. 44 Department EMS records, and Lincoln Park Hospital. 55 Q. Do you have a date range for these records that you have reviewed? 56 A. I have the records. I didn't memorize the dates of all of them. 56 Page 27 57 Q. That's okay. Maybe if we could just put on the record so I know precisely what it was that you reviewed in preparing your report? 58 A. Okay. Discharge summary from St. James Hospital dated such-and-such? 59 Q. Yes. 50 A. Okay. Discharge summary from St. James Hospital dated discharge date. Here is another discharge summary from St. James Hospital dated discharge date. Here is another discharge summary from St. James Hospital, 9/19/02. Outpatient discharge date. Here is another discharge summary from St. James Hospital, 9/19/02. Outpatient to discharge date. Here is another discharge summary from St. James Hospital, 9/19/02. Outpatient to discharge date. Here is another discharge summary from St. James Hospital, 9/19/02. Outpatient to discharge date. Here is another discharge summary from St. James Hospital, 9/19/02. Outpatient to discharge date. Here is another discharge summary from St. James Hospital, 9/19/02. Outpatient to discharge date. Here is another discharge summary from St. James Hospital, 9/19/02. Outpatient to discharge date. Here is another discharge summary from St. James Hospital, 4/12/04, RIC dated 2/3/04. RIC dated 1 ilooks like 2/13/04. This is 10/29/08. That's the medical records. Q. And the records - and then you had received some records post 10/9/06 relative to Mr. Casares, is that right?  A. RIC dated 3/15/04. RIC dated 2/3/04. RIC dated 1 ilooks like	10	A. That would mean that he has some	10	
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				Q. I believe you had mentioned that there
				were some records that you had that you reviewed
				A Compat
24 date. Okay. Let the just clear sometiming up. when 124 Q. Okay. Where did you get these records		<b>1</b>		
		uaic. Okay, Lei me just clear something in. When	<b>4</b> 4	U UKAV Where did you get these records

	Dama 20		
	Page 30		Page 32
1	from in your review of this case?	1	police reports that we have all been working with.
2	A. From Mr. Albukerk.	2	If you want me to get copies of them I will.
3	Q. Did you receive anything else other than	3	MR. PATEL: I guess what I will ask, whatever
4	the medical records?	4	you have given to the doctor for review, can I get a
5	A. Yes.	5	set of that?
6	Q. What else did you review?	6	MR. ALBUKERK: Of course. You have already got
7	A. I received some pictures, photographs of	7	it, but I will get you another set. That's no
8	Daniel. I saw some photographs of police.	8	problem.
9	Q. Did you bring those with you today?	9	MR. PATEL: The only reason why I ask, I am not
10	A. I did not.	10	sure what police reports the doctor looked at. Was
11	Q. Okay. You also reviewed some police	11	it the arrest reports, because there were multiple
12	reports, is that right?	12	arrest reports?
13	A. Yes.	13	MR. ALBUKERK: It was more than just the arrest
14	Q. Do you know which police reports you had	14	reports.
15	reviewed?	15	MR. PATEL: Was it the case report, was it the
16	A. Not off the top of my head.	16	tactical response report, officer battery reports?
17	Q. Do you remember the date range, or the	17	I am not sure exactly. There is a bunch of them. I
18	dates of those police reports? Were they related to	18	just want to make sure I know what the doctor
19	the incident for which you are giving an opinion,	19	reviewed.
20	the October 9th, '06, or is it from the car accident	20	MR. ALBUKERK: Do you want the pictures,
21	that resulted in his disability?	21	because the pictures are exactly the same stuff that
22	A. No. They were from October 9th, '06.	22	we have already given you as well?
23	Q. Okay. They were Chicago Police Department	23	MR. PATEL: Yes, because there were a lot of
24	reports?	24	pictures, so I am not exactly sure what pictures.
	Page 31		Page 33
1	A. Yes.	1	Were they the pictures taken by the evidence tech,
2	Q. What I will do, at least at this point is,	2	or pictures taken by Mr. Casares?
3	I will ask you or ask Mr. Albukerk to help	3	MR. ALBUKERK: Evidence tech, and pictures of
4	facilitate supplementing your report so that I have	4	Dan.
5	a complete list of all of the documents that you had	5	MR. PATEL: The plaintiff's pictures?
6	reviewed?	6	MR. ALBUKERK: The plaintiff's pictures, right.
7	A. Okay.	7	MR. PATEL: Q. Doctor, do you think there
8	MR. PATEL: Because I think one of the Nick,	8	could have been anything else that you could have
9	this is just related to discovery that we have had	9	had that would have better assisted you in preparing
10	in this case. I don't know what records you	10	your report?
11	obtained, and then you ultimately gave to Dr. Lazar.	11	A. No.
12	I don't know if they are the same ones that I have	12	Q. How about an examination of Daniel
13	got.	13	Casares, would that have assisted you?
14	MR. ALBUKERK: They are. They are exactly the	14	A. Not at this point. I mean, this incident
15	same.	15	occurred in 2006, and it's now 2010, and very
16	MR. PATEL: Okay. A lot of times what ends up	16	likely, given the nature of his injury and, you
17	happening, I will send a subpoena to the hospital	17	know, the complications that arise from such an
18	and I will get maybe an incomplete set, and you will	18	injury, I am talking about the injury from 8/15/02,
19	get a complete set.	19	being quadriplegic, his exam would be different than
20	MR. ALBUKERK: The only issue is the St. James	20	it would have been back in 2006. So really the best
20	The only load is the stilles		
21	records. That is why he has only got the discharge	21	thing would have been to present in 2006 and examine
21 22	· · · · · · · · · · · · · · · · · · ·	21 22	thing would have been to present in 2006 and examine him to know what his actually physical capabilities
21 22 23	records. That is why he has only got the discharge summary. Other than that, everything is the same.  I know you were working on that issue. As far as	-	him to know what his actually physical capabilities were at that time of this subject occurrence. Now,
21 22	records. That is why he has only got the discharge summary. Other than that, everything is the same.	22	him to know what his actually physical capabilities

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back in 2006. His contractures are probably worse. He is probably not quite as strong as he was back then. So that is what my worry would be about drawing too much in the way of conclusions and opinions from an examine that is in the present tense.

2.1

- Q. Explain to me the causes or the reasons why an exam today of Mr. Casares would not be beneficial or help assist you in preparing your report, versus if you had the opportunity to examine him in 2006?
  - A. Because his condition is likely worse.
  - Q. How is it worse? How does it worsen?
- A. How does it worsen, because he gets weaker, the contractures get worse, the spasms get worse over time. In other words, the strength in his arms is not what it was in 2006. I would be looking at him in a probably weakened state, and less capable state.

Let me give a specific example. So a contracture means that there is a loss of range of motion of a joint that is fixed, and when you have spastic quadriparesis, or quadriplegia, like he does, you are subject to that occurring in any

assumption.

Q. Can you define spasticity for me, please?

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- A. Sure. Spasticity is an increase predominantly unidirectional in resistance to passive range of motion of a specific joint. So if you want me to explain that?
  - Q. Yes, please.
  - A. You look puzzled.
- Q. First I got the definition, now, I will ask for the explanation?

A. Okay. Let's talk about the biceps curl, which is what weight lifters do, biceps curls. So in his case, what happens is when you take the --you put one hand under the elbow, and you take the other hand as a examining physician, and you grab his hand and you try to flex and extend the elbow by, you know, putting the biceps through and triceps through range of motion, you find resistance instead of a normal fluid motion. You find resistance that is predominantly unidirectional. So usually the resistance would be an extension, as opposed to flexion.

So it's like -- they call it clasped knife, because it's kind of like a pocket knife.

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mobile joint of your upper extremities. So I would expect over the four years that -- nearly four years at this point, that he would have, because of his weakness, which is not improved, is irreversible, I mean from an injury from 2002, and because of the progressive nature of fixed deformities and how you lose range of motion over time, that he would not have been as capable today as he was in 2006. It would have probably -- if I would make the incorrect assumption that he was as capable, at what I am looking at 2010 is exactly the same person as I would have seen in 2006, that would be -- that would lead me to actually be more biased in a way that would hurt your case in defending these police officers than it would help Mr. Casares.

- Q. But that's an assumption you are making based upon your review of the records, and the way Daniel presented himself at the various times he did when you reviewed the records, is that correct?
- A. It's an assumption that is based upon, you know, 25, 26 years of experience in dealing with quadriplegia, knowing what the complications are, knowing that they get -- you know, there is a slow deterioration in their function, it is an

- You open up a jack knife, and first there is resistance predominantly in one direction, and then you open it up and it snaps open, but then when you do the other direction and you close the knife, then it does so without any resistance and that snaps shut. So that is what spasticity is. It's predominantly unidirectional.
- Q. Is it particular to involuntary or voluntary movements?

A. Okay. That is a very good question. So it is particular to voluntary movements, but it is tested by doing passive range of motion. So when you test, the patient is not actually participating in the exam. You are doing all the work. You don't ask the patient to flex and extend the elbow. You say relax your arm, I am going to put my palm on one hand of your elbow, and I am going to move your hand back and forth. You don't ask the patient to do that, because that interferes with the testing. It's all passive. The examiner does it, the patient doesn't participate.

In regards to the issue of involuntary movements, people that have spasticity have involuntary movements that are associated with this

Page 110 Page 112 1 MR. ALBUKERK: 1996. 1 little bit? 2 2 MR. PATEL: Was it 1996? I wasn't sure what Q. So Daniel is a C7 quadriplegic? 3 3 the year was. A. Right. 4 A. So I mean, I didn't say he was without 4 Q. So based upon that, and your review of the 5 resources, but I guess what I am saying, you know, 5 records, you are saying that you don't believe he 6 you don't measure that in terms of who you live 6 could form a fist, right? 7 with, or what you own, you measure it really in -7 A. Correct. 8 here is a man that is C7 quadriplegic complete 8 Q. With either hand? 9 ASIA-A. So he needs help and support in doing the 9 A. Correct. 10 things 24 hours a day, getting to appointments, 10 Q. So let's say a C7 quadriplegic -- there is 11 turning, you know, turning in bed, you know, helping nothing particular about Daniel that causes you to 11 12 with the proper catheter care. I just -- I didn't 12 say he can't form a fist, versus other C7 13 see that the medical records reflected that he had a 13 quadriplegics? 14 great support system. I mean, that is all I really 14 A. Correct. 15 have to say about it. 15 Q. So let's say a C7 quadriplegic smokes 16 Q. Okay. Did your review of the medical 16 marijuana laced with cocaine, or smokes marijuana 1.7 records reveal drug and alcohol use by Daniel 17 and snorts cocaine, or whatever combination, they 18 Casares? 18 have cannabis and cocaine present in their system. 19 A. I didn't see anything in the medical 19 Are they now able to do things that they wouldn't 20 records about that. I am not saying he did or have otherwise been able to do? And I don't mean 20 21 didn't. I am just saying I didn't see anything 21 extraordinary things, like getting up and able to 22 listed in the records that said this patient is an 22 walk, I mean things like forming a fist? 23 alcoholic, or this patient is a chronic substance 23 A. The answer is no, absolutely not. 24 abuser. 24 Q. Okay. The absolutely part, I had a Page 111 Page 113 1 Q. Would range of motion be affected -- on 1 feeling you were going to say absolutely, which is 2 any given day, would a C7 quadriplegic's range of why I said I think this is going to be a stupid 2 3 motion be affected by alcohol and drug ingestion? 3 question, but I had to ask you. 4 A. Well, alcohol wouldn't affect your range 4 A. That's fine. 5 of motion, and the drugs -- I mean, it depends on 5 Q. You go on to state that the records are 6 what drugs you are talking about. 6 replete with entries that identify Mr. Casares 7 Q. Let's say cannabis. 7 suffering from muscle spasms and severe spasticity. 8 A. Cannabis might induce a little bit more 8 Those would be the records from St. James or RIC, 9 relaxation, but shouldn't have a great -- and 9 correct? 10 actually helps people with pain from contractures, 10 A. Predominantly RIC. 11 but it shouldn't have a great affect, a tremendous 11 Q. And that would be muscle spasms and severe 12 affect on range of motion. 12 spasticity of the lower extremities? 13 Q. How about cannabis and cocaine? 13 A. Correct. 14 A. I am unaware of any relationship of 14 Q. Because you previously testified that 15 cocaine to someone's range of motion, overall motor 15 there was nothing that you saw that would indicate 16 functioning as a quadriplegic. 16 particular spasms related to the upper extremities? 17 Q. How about -- I have a feeling this is 17 A. Correct. 18 going to be a stupid question, but I am going to ask 18 Q. Okay. The result from the unopposed 19 anyway. Based upon your review of the records, you 19 action of upper motor neuron brain impulses acting 20 believe Daniel's injury would necessarily mean he 20 on a severely injured spinal cord. What does that 21 cannot form a fist. Let's say he was using drugs, 21 mean? 22 would he then be able to form a fist? 22 A. Okay. So basically you have a transection 23 A. Well, it's not a stupid question. It's 23 of a spinal cord, the brain has an influence on --24 just one I don't understand. Could you explain a 24 through what we call upper motor neurons. It tells